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November 20, 2021

Via ECF

Hon. Lorna G. Schofield, U.S.D.J.
U.S. District Court (S.D.N.Y.)
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: Plaintiff's Letter Motion for a Pre-Motion Discovery Conference
Hennrick, M.D. v. MIR Scientific, LLC (SDNY 1:21-cv-04945-LGS)**

Your Honor,

This letter motion is submitted on behalf of the plaintiff Dr. Kenneth Hennrick, M.D. ("Plaintiff") respectfully requesting a pre-motion discovery conference at which he will seek to compel Defendant miR Scientific, LLC ("Defendant") to provide responses to Plaintiff's initial discovery requests (interrogatories and document requests) previously served upon it.

First and foremost, this letter motion is being submitted pursuant to SDNY Local Rule 37.2 and in accordance with so much of Your Honor's Individual Rules of Practice—namely, sections III.A.1 and III.C.3. Further, Plaintiff's counsel posits that he has satisfied Your Honor's meet-and-confer obligations prior to making this motion.

On October 18, 2021, Plaintiff served upon Defendant—via counsel—his initial discovery requests (interrogatories and document requests). As such, Defendant's responses were due no later than 30 days thereafter (i.e., no later than November 17, 2021). See Fed. R. Civ. P. 33, 34. On November 17, 2021, Plaintiff's counsel (the undersigned, Casey Wolnowski) emailed Defendant's counselors of record seeking an update as to production (as no production has yet occurred). Defendant's attorney Alexa Nelson emailed Mr. Wolnowski asking to speak on the telephone. They spoke that afternoon on a meet-and-confer telephone call during which Ms. Nelson asked Mr. Wolnowski if he would consent to Defendant requesting from the Court a one-month extension for Defendant to provide discovery responses (to December 15, 2021) as well as for a concomitant extension of the close of fact discovery to January 14, 2022. Mr. Wolnowski consented and followed up that call with an email memorializing their conversation. Notably, during that call, Ms. Nelson also advised that she would write the Court seeking extensions and would provide a draft joint letter for Plaintiff's counsel's review either Thursday or Friday prior to filing. A copy of this email is attached hereto as Exhibit 1.

No draft letter was ever provided and no request by Defendant to the Court was ever filed. Accordingly, Plaintiff now requests a pre-motion discovery conference at which he will seek to compel Defendant to provide responses to Plaintiff's initial discovery requests (interrogatories and document requests).

Plaintiff and counsel thank the Court for its attention to this matter.

Respectfully submitted,

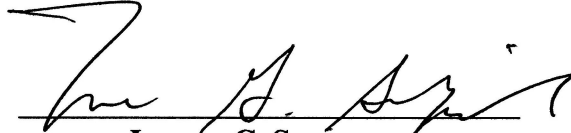


Casey J. Wolnowski, Esq.
Attorneys for Plaintiff

cc: Defendant's counsel (*via ECF*)

By **November 29, 2021**, Defendant shall file any response, not to exceed two pages. So Ordered.

Dated: November 23, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE



Casey Wolnowski <cwolnowski@nisarlaw.com>

Following up - Hennrick/ miR discovery matter

Casey Wolnowski <cwolnowski@nisarlaw.com>

Wed, Nov 17, 2021 at 4:46 PM

To: "Laborda Nelson, Alexa J." <alabordanelson@littler.com>, "Savage, Eric A." <esavage@littler.com>, "Gross, Barbara A." <bgross@littler.com>

Hi Alexa, I'm writing you in the Hennrick/ miR matter and as a follow up to our telephone conversation just now. As mentioned, I am amenable for you requesting the court extend the discovery schedule and for the deadline to respond to Plaintiff's initial discovery requests (interrogatories and discovery demands) to December 15, 2021, as well as an extension to complete discovery (per the scope as outlined the Court's CCMP & scheduling Order filed August 5, 2021 (see ECF #23)) to January 14, 2022. You stated you need to speak with some folks on your end but will pass along a draft letter request either tomorrow or Friday. Kindly pass along at your earliest convenience.

Thank you.

Casey Wolnowski

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